

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:15-CR-00121-RJC-DSC

USA

v.

MIGUEL ZELAYA (37)

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ORDER

THIS MATTER is before the Court upon motions of the defendant pro se pursuant to “Code of Civil Procedure, Section 1008(b),” attacking his 2016 criminal convictions for Racketeering Conspiracy, Murder in Aid of Racketeering, and Using a Firearm During and in Relation to a Crime of Violence. (Doc. Nos. 1305, 1306: Motion at 5; Doc. No. 1082: Judgment).¹

The defendant claims that his Miranda rights were violated, his counsel was ineffective, he was not offered a plea agreement, and he should have been tried in juvenile court. (Doc. Nos. 1305, 1306: Motion at 15). Such claims attacking a conviction allegedly obtained in violation of the Constitution or laws of the United States must be brought under 28 U.S.C. § 2255. However, the Court denied and dismissed the defendant’s previous § 2255 petition, (Doc. No. 1279: Order), and the defendant has not shown he has been granted leave to file a successive petition.

IT IS, THEREFORE, ORDERED that the defendant’s motions, (Doc. Nos. 1305, 1306), are **DISMISSED**.

¹ It appears that the defendant submitted duplicate motions.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: January 11, 2023

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

